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INDEPENDENT COMMISSION AGAINST CORRUPTION

THE HONOURABLE PETER M. HALL QC
CHIEF COMMISSIONER

PUBLIC HEARING

OPERATION AERO

Reference: Operation E18/0093

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY

ON FRIDAY 6 SEPTEMBER, 2019

AT 2.00PM

Any person who publishes any part of this transcript in any way and to any person contrary to a Commission direction against publication commits an offence against section 112(2) of the Independent Commission Against Corruption Act 1988.

This transcript has been prepared in accordance with conventions used in the Supreme Court.

THE COMMISSIONER: Yes. Yes, Mr Moses.

MR MOSES: Yes, thank you, Chief Commissioner. Ms Murnain, I appear for the Australian Labor Party. Ms Murnain, you assumed the position of general secretary in February 2016. Correct?---Yes, that's right.

10 And the general secretary's position is not defined by the party rules.
Correct?---Correct.

But in your role as general secretary your duties were to be the campaign director for state elections, correct?---Correct, yes.

Be responsible for parliamentary liaison?---Yes.

Be responsible for fundraising?---Yes.

20 And in effect operate head office. Correct?---Correct, yes.

And in relation to your role as general secretary, could I ask, Chief Commissioner, if Exhibit 156 could be put onto the screen, which is the ALP Rules.

THE COMMISSIONER: Yes.

MR MOSES: And I'm going to page 46, volume 7, rule B.2. Just perhaps while that's being done, let me take you through just a number of
30 propositions if I could. In your role as general secretary you understood of course that the supreme decision-making body within the Labor Party is the State Conference. Correct?---Yes.

And if we then go to page 54 of that document that's on the screen, rule D.1(a), in between meetings of conference the party is managed and administered by the Administrative Committee. Correct?---Correct.

And you report to the Administrative Committee each month. Correct?
---Correct.

40 And you provide what is known as the officers' report. Correct?---Yes.

And in the report, as general secretary, you report to the committee on the activities of the party, including campaign activities?---Yes.

Branch interactions?---Yes.

Pre-selections?---Yes.

Training with members?---Yes.

And governance issues?---I, I don't, the governance director reports on governance issues.

In relation to any issues that may arise within the office, concerning matters that may be of risk or matters of concern, there are matters that you would include in the party officers' reports, correct?---Correct. Yep.

10

And if we can then go to rule D.1(e), which is on the same page. In between meetings of the Administrative Committee, the party is managed and administered by the party officers, correct?---Correct.

And the party officers meet on an ad-hoc basis, correct?---Yes.

Often as frequently as five times a week?---Yes.

And you as general secretary, you're a party officer, correct?---Yes. Was.

20

Yes. And the party officers include the president?---Yes.

Senior vice president?---Yep.

Two junior vice presidents and two assistant secretaries, correct?---That's correct.

There's no pre-determined agenda for meetings of the party officers, correct?---Yes.

30

And you don't provide, as it were, a written report to the party officers, as you do for the Administrative Committee, correct?---Not on every occasion but, yes, it's not required.

But certainly, again, in relation to meetings of the party officers, if there were matters of concern that needed to be brought to the attention of the party officers, then you would raise them with the party officers, correct? ---Yes.

40

And ultimately, as you know, as General Secretary of the Australian Labor Party or in that position, the party, in effect, is made up of the members of the party, correct?---Yes.

And that ultimately, as general secretary, you are the custodian of matters that relate to the best interests of that party, correct?---Yes.

Now, in relation your obligation as a member of the Australia Labor Party, you understand, of course, that part of your obligation is to uphold the party's values and principles, correct?---Yes.

Which is, of course, to act at all times with integrity and honesty, correct? ---Yes.

10 Now, in relation to electoral funding laws, if I can just turn to that just briefly, Ms Murnain, and you've been asked questions about this, I don't want to dwell on these but I just want to understand this. When you assumed the role as general secretary, did you familiarise yourself with the obligations of the Australian Labor Party pursuant to the Election Funding, Expenditure and Disclosures Act of 1981?---I, I don't remember but I would certainly adhere to it as best I knew, yes.

20 And at the time, of course, of you becoming the general secretary in February, 2016, there had already been an Independent Commission Against Corruption investigation into electoral funding breaches by persons associated with the Liberal Party in Operation Spicer?---Yes.

And you understood, did you not, from that particular inquiry, which delivered its report on 30 August, 2016, that this Commission had made clear concerns when it came to issued overseas transparency in relation to political donations within political parties, correct?---I, I don't remember when that – but I, I do remember that, yes.

Did you read the report of this Commission?---No, I did not.

30 Do you accept sitting here today that perhaps you should have read that report in order to familiarise yourself with what this Commission had raised as a matter of concern in relation to adherence to political donations in this state?---Yes.

Now, just in relation to your role as general secretary, do you accept in your role as general secretary you had a duty to ensure that the Australian Labor Party did not knowingly breach the electoral funding laws in New South Wales, do you accept that?---Yes.

40 Do you accept that included not making a false statement in a disclosure to the Electoral Commission?---Yes.

Do you accept that included not accepting donations from individuals or corporations that were prohibited donors?---Yes.

And do you accept that included not being involved or benefiting from a scheme to circumvent the provisions of the Electoral Funding, Expenditure and Disclosures Act?---Yes.

Now, as general secretary, do you accept specifically that it was not part of your role to sign documentation to the Electoral Commission on behalf of the Labor Party that contained assertions that were not true? Do you accept that?---Sorry, could you repeat the question? I'm so sorry.

Do you accept that it was not part of your role as general secretary, to sign documentation to the Electoral Commission on behalf of the Labor Party that contained assertions that were not true, do you accept that?---Yes. Yes, I accept that.

10

Now, pursuant to section 41 of the Electoral Funding, Expenditure and Disclosures Act, party agents were required to be appointed pursuant to section 41, correct?---I, I think so, yes.

Because under section 90 of that Act, the person responsible for making disclosures to the Electoral Commission in relation to donations received was the party agent. Were you familiar with that?---Yes. Yep.

20

The party agent in 2015 was Loretta Marcus, M-a-r-c-u-s.---I, I think so.

And Ms Murnain, do you know what position Ms Marcus held in 2015, apart from being the registered party agent?---I can't - - -

If you don't know, say so.---I can't remember, I'm sorry.

That's okay.---Yeah.

30

In 2016, Maggie Wang was the registered party agent with the Electoral Commission. What position did she hold in 2016?---She was the financial controller, or some variation of that.

Thank you. And from 6 March, 2017, Julie Sibraa held the role of party agent, was registered, correct?---Yes. I, I believe so, but I don't know the exact date, so, yep.

And in relation to documents which the party agent submitted to the Electoral Commission, as part of your role as general secretary, did you review those documents before they were submitted?---Um - - -

40

If a party agent signed off on a document as a, as the party agent in respect of a disclosure, did you review those documents? Was that part of your job? ---No.

Now, as general secretary, do you accept that when you seek legal advice from the party solicitors – and I'm, in this case, Holding Redlich – that this legal advice is being provided for the benefit of the ALP, not you, correct? ---Yes.

And do you accept that it was no part of your role as general secretary to implement any advice provided to you by a lawyer which would either perpetrate a fraud or provide false information to a regulatory body, do you accept that?---Yeah.

And do you accept that the highest standards of conduct are expected of a general secretary?---(No Audible Reply)

Yes?---Yes.

10

Now, I want to put a couple of propositions to you, Ms Murnain, in respect of the evidence that has fallen in the inquiry to date. You have accepted, I think, that by September 2016, you were aware that it was a criminal offence to hide the true source of a political donation to a political party, correct?---Yes.

20

And you were aware by September 2016, that the reason why parliament had prohibited certain persons from donating to political parties – being, for example, property developers – was to stop their influence or apparent influence over decisions of political parties?---Yes.

And you understood, did you, that the purpose of disclosure of political donations is transparency, correct?---Yes.

And that is because the electorate via the Electoral Commission and the media are entitled to know who was donating to what political party, in order to ensure that there are no improper motives for a political party acting in a particular manner, correct?---Yes.

30

Yes?---Yes.

And that the members of the Australian Labor Party are entitled to know the entities or persons that are funding it, correct?---Yes.

And one of the reasons is to ensure that any contributions that come with strings attached will be deterred, because both politicians and the entity that may have donated the money will know that the public know of the link, correct?---Yes.

40

Now, in relation to the evidence you gave yesterday about real-time notification of donations, can I ask that the Commission bring up on the screen the article from The Sydney Morning Herald of 13 February, 2016 which refers to that speech that you referred to by the then Leader of the Opposition concerning real-time notification.---Yes.

If that can just come up on the screen. It's just coming up now. So this is the article by The Sydney Morning Herald headed Political Donations:

NSW Labor's Luke Foley Pledges 'Real-Time' Reporting. Do you see that?
---Yep.

Under the photo of the then Leader of the Opposition he is quoted as saying, "A cornerstone of our state's democracy must be timely and transparent disclosure of political donations."---Yes.

And then he goes on to say, "Currently voters in New South Wales wait up to 17 months to find out who has donated to which party and how much.
10 Disclosure delayed is disclosure denied." Do you see that?---Yes.

And the reason the concern was being raised about a lack of disclosure and timely disclosure is that by then the damage could have been done by way of a donor having donated to a political party, it not being made public, and a decision being made in favour of that person without the media or the public knowing of the link. Correct?---That was my view, yes.

Yes. And then can I ask that it can come up on the screen, the party officers' report to the Administrative Committee of 6 April, 2018, and ask
20 that item 24, that we go to item 24 of that document.

MR ROBERTSON: And while that's happening I tender the document that was on the screen, namely an article from the Sydney Morning Herald of 13 February, 2016 entitled Political Donations et cetera and by a Ms Needham.

THE COMMISSIONER: Yes, that will become Exhibit 214.

30 **#EXH-214 – SYDNEY MORNING HERALD ARTICLE TITLED
'POLITICAL DONATIONS: NSW LABOR'S LUKE FOLEY
PLEDGES 'REAL-TIME' REPORTING' DATED FEBRUARY 13
2016**

MR MOSES: Just while it's being come up, that speech of course was given approximately 10 months before you signed the letter of 19 December, 2016, containing information that was false to the Electoral Commission. Correct, do you accept that?---Please repeat the question.

40 Okay. That speech was given 10 months before you signed the letter of 19 December, 2016, which described in your evidence to the private hearing as containing false information to the Electoral Commission. Correct?---Yes.

I'm going to come back to that, Ms Murnain, because I know you want to explain that, so I'll come back to that. But just coming up on the screen, the first page, it's item 24, I apologise to the ICAC officer navigating through this, this officers' report that's on the screen, that's the form of a report, just for the Chief Commissioner's understanding, that you would report to the

Administrative Committee officers to let them know what is going on.
Correct?---That's correct, yes.

And if you go to item 24, at the bottom of it, "In line with Luke Foley's commitment, the Australian Labor Party and Country Labor Party are now both publicly disclosing their single reportable donations \$1,000 or more on their respective websites, effective from the week beginning 26 February, 2018."---Yep.

10 And that in fact was implemented as of 26 February, 2018. Correct?---I don't, I'm not sure when it was implemented, it may have been earlier, but yeah, it was definitely updated constantly from that point.

And this is something not required by the electoral funding laws, but something that the Labor Party initiated in order to promote transparency?
---Yes, Luke Foley and I in 2016 were trying to find ways to encourage transparency.

20 Thank you, Ms Murnain, thank you. I don't have any further questions in relation to that document, if my learned friend, Counsel Assisting, wanted that tendered.

MR ROBERTSON: I will tender it. I might not do it now because my learned friend's just referred to one item and we'll probably have prepared a version that just has that item and the material around it.

THE COMMISSIONER: Yes.

30 MR MOSES: Yes, of course. Thank you.

MR ROBERTSON: I'll probably take care of that on Monday but I'll otherwise tender as we go along.

MR MOSES: Thank you.

MR ROBERTSON: I'm grateful to my friend for raising it though.

40 MR MOSES: Thank you. Now, Ms Murnain, do you accept that you should have informed party officers and the Administrative Committee of the information relayed to you by Mr Wong at the meeting that you had with him out the back of parliament on 16 September, 2016?---In hindsight I absolutely should have.

Do you accept that you should have told party officers and the Administrative Committee of the legal advice provided by the party's lawyer, Mr Robertson, to you on 16 September, 2016?---Well, we don't report all of our legal advice. I do, I really wish I had have, yes, yes.

Well, one of the reasons why the Labor Party Rules has a structure in place in relation to party officers and Administrative Committees is so that the burden of running the party is shared by a number of people, correct?
---Yeah, in theory, yeah.

10 And that when you are able to speak with colleagues in relation to matters that effect the party, ultimately the 20,000 members of that party and the role of that party in a democracy, that you get the best possible feedback from an number of different people, correct?---In theory, yeah.

And it serves to make accountable people as well, correct?---Yes.

Because we all must be accountable to somebody, correct?---Yes.

Now, in relation to I think some of your evidence in relation to this issue about what Mr Wong had told you and certain decisions that you made afterwards, you've said that you took those steps in part because you wanted to protect the Labor Party, correct?---Yes.

20 And do you accept, though, that by not disclosing this information to the party officers and Administrative Committee that you in fact compromised the party, do you accept that?---Hindsight, I wish I'd have made very different decisions.

30 So what happened, Ms Murnain, is this, isn't it, that you became aware of at least some information on or about 16 September, 2016 from Mr Wong about the fact there may have been donations made to the party by individuals who had not been disclosed as the true donors, correct?---An individual, yeah.

Thank you. You're quite right to correct me. And you, in effect, if I can put this to you, you sat on that information and allowed a letter to be sent to the Electoral Commission on 19 December, 2016, that was incorrect. Do you accept that?---I, I don't. I went – I don't accept that.

And you say you don't accept that because Mr Robertson, you say, told you, in effect, to forget about it, is that right? Is that what you say?---That there no reason for further action and to - - -

40 That's what he said to you, okay. But do you accept that you allowed, potentially, a situation to continue for nearly three years where a donor, in effect, knew that they had donated money to the ALP as part of some sort of sham arrangement when they should not have, correct?---I don't agree with that.

Do you accept thought that you placed the Labor Party in a position where its party officers and Administrative Committee, who were charged with responsibility under the rules, were not aware of this controversy and hence

could not make a decision as to whether further investigation should be ensued. Do you accept that?---I accept I should have informed them.

And, well, you agreed with me earlier that transparency is key in political donations, correct?---Yes.

10 And by not revealing this information to the Administrative Committee and the party officers, it could have potentially compromised the ALP because the actions of an individual or individuals, I think you named four, who may have known that the money had been donated illegally, could have been influencing people within the Labor Party and the governing body had no insight that this was occurring, do you accept that?---I - - - - -

Do you accept that, ma'am?---Yes. I accept I should have done a lot of things differently.

Ms Murnain, I apologise for putting these questions to you but I'm duty-bound to put a number of propositions. I know this is difficult.---It's fine.

20 And it compromised the ALP also because it opened them up to suggestions of somehow that is the ALP engaging in acts of illegality, do you accept that?---Yes.

And it has cast an unfair shadow over the entire party and its members, who you have spoken about are honest and decent Australians?---Yes.

30 Ms Murnain, I just wanted to ask you just some questions briefly, and I'm nearly finished, just so that you know you won't be there for much longer. I just wanted to understand a few things in relation to your evidence concerning the letter of 19 December, 2016.---Yes. Yep.

What you've told the Chief Commissioner is that you recused yourself from, in effect, dealing with the matter, and this is, maybe to be fair to you, because you've been asked a lot of questions, if there's transcript of 29 August, 2019, page 269, line 10 could be put up on the screen so you don't have to rely on your memory about this.---Ah hmm.

40 Just while that's coming up, I note what you said about your evidence that Mr Robertson told you certain things, and ultimately he's been called to give evidence and he'll be held accountable if the Chief Commissioner finds that he gave that advice, that's a matter that he'll need to deal with in due course, if that's what the Chief Commissioner finds.---Mmm.

But just to your position, in respect of this letter, page 269, line 26 - - -?
---Line 26.

You say, and when you recused yourself - - -?---Yeah.

- - - do we take it from that you, that you deliberately didn't want to have direct involvement in drafting responses to the notice to produce, given what you'd been told by Mr Wong, do you see that?---Yeah, I see the line. It was more that the governance director would deal with this matter, and I knew that Ian would be checking the response. So it wasn't, it wasn't that I had – I'd recused myself later from the process in the office, but – “recused” is the word I obviously used in the hearing, but it wasn't my job to do it (not transcribable). The, the governance director would do it.

- 10 So, just to understand your evidence, were you seeking to recuse yourself because it was a matter which the governance director should deal with, or were you seeking to recuse yourself because you had a conflict of interest because you knew the true facts? I'm just trying to understand your evidence.---Oh, more because the job was the job of the governance director, not, not because of the latter.

On 19 December, 2016, of course, you did sign the letter which provided that response that'd been prepared to the Electoral Commission, correct?
---I'm sorry?

20

I'm sorry. On 19 December, you did sign that letter that went to the Electoral Commission, correct?---Yeah, yes.

And prior to signing that letter, it was sent, that is, the notice and the draft response, and you've seen this through the evidence that has been, I've already taken you to, so I don't want to go over it again - - -?---Yep.

- - - to Holding Redlich, correct?---Yep.

- 30 Did Holding Redlich raise any questions with you about the fact that the answer that was going into the Electoral Commission contained self-evident nonsense in response to its answers?---No.

I mean, if you had read it, you would have known, I'm assuming, that there's no way Mr Cheah had provided \$100,000 to the Labor Party, correct?---Um - - -

If you read it, you would know that he hadn't done that, correct?---Yes, he didn't, he didn't walk the money into the office.

40

No. But, I mean, and again, in responding to a query from the Electoral Commission, were you told by anybody from Holding Redlich, you personally, that it was appropriate to sign off on that letter that went to the Electoral Commission? Like, did you rely on something they told you?---I was relying on them, I asked the governance director to sign off from Holding Redlich.

Do you agree with this, that you didn't tell Ms Sibraa about the information that had been relayed to you by Mr Wong from back in September, do you accept that?---I do accept that, yeah.

10 And do you accept that you allowed a document to be prepared by Ms Sibraa without having material information that may have led to further queries to be made before the letter went into the Electoral Commission, do you accept that?---I accept that I should have told her, yes.

Okay. Thank you. I have no further questions of the witness. Thank you, Chief Commissioner. Thank you, Ms Murnain.

THE COMMISSIONER: Thank you, Mr Moses. Now, Mr Lawrence, what's your position?

20 MR LAWRENCE: There is no application to cross-examine the witness on behalf of Mr Clements.

THE COMMISSIONER: Thank you, Mr Lawrence. Very well. Then the intention is for Ms Murnain to return on Monday for re-examination?

MR ROBERTSON: Maybe given that that was slightly briefer than I apprehended, I'm in my learned friend Mr Neil's hands as to whether he wishes to cross-examine.

MR NEIL: We can do that now or are you finishing?

30 MR ROBERTSON: I respectfully suggest that we do do that, as long as my friend thinks he'll be less than 20 minutes, less than 20, 25 minutes.

MR NEIL: I will be less than 20 or 25 minutes.

MR ROBERTSON: I respectfully suggest we do that now then.

THE COMMISSIONER: Yes, you proceed then, Mr Neil.

40 MR NEIL: How old were you when you first joined the Australian Labor Party?---I'm not allowed to lie, I tried to join at 12, even though you're not allowed to in the rules, so I think I was maybe 13 or 14 when they finally let me because I kept harassing them.

And have you been a member of the Australian Labor Party ever since that time?---Yes.

You have a tertiary education, a tertiary degree. Is that right?---Yes.

What is that in?---Social science. Sorry.

You had, after you obtained your degree, you had at some point a brief stint in a ministerial office. Is that correct?---I was the Ageing advisor at the age of 19, yes.

10 Apart from that brief stint as an Ageing advisor, have you worked the whole of your adult life in the office of the Australian Labor Party?---Yes.

In 2016, September 2016, how old were you?---Sorry, when again?

16 September, 2016, how old were you?---27 or 28. I don't know, sometime around there.

20 What part does the Australian Labor Party play in your life?---Sorry. It was everything. I literally didn't do anything else, seven days a week for my whole life.

And where does the Australian Labor Party stand in your heart?---It was literally the only thing that mattered to me, other than my family.

I wonder if we could see the text messages passing between Ms Murnain and her husband, copies of which we provided to the Commission earlier. These are text messages passing between the two of them on 16 September, 2016. Not this, the other one first of all.---Oh God.

30 That's these ones, I'm sorry, I'm sorry, Chief Commissioner, these ones.

THE COMMISSIONER: That's all right. Just while that's coming, did you have any induction process, if you can understand what I mean, to take up the position of general secretary or was it just a question of you learning on the job as assistant general secretary and other experience you might have had in the political arena?---I had to learn when I became secretary. There wasn't a lot of, you weren't taught anything as assistant, you just did. So there wasn't an induction. I introduced a training program for the Admin Committee through the AICD at some point in the last two years, but that was the only training I've had really, which is a half-day course.

40 Are you able to account for your success, if that's the right word to use, to rise to the position of general secretary by the age of 27 or 28?---I worked my, the proverbial, my butt off, I worked my butt off every day for the party. Mr Clements obviously left [REDACTED] and I became secretary. I didn't think I'd ever actually become secretary but I took the role at that point, the party was falling apart, people weren't working and I took, took the job at that point, and I did want it at that point,

I worked hard for it, but yeah, I never thought I would get there, to be honest.

I think the references by the witness in that last answer to [REDACTED] should be suppressed until at least he has an opportunity to appear. Accordingly I, pursuant to section 112, suppress publication or communication of that evidence insofar as the witness referred to [REDACTED].

10

SUPPRESSION ORDER: PURSUANT TO SECTION 112 OF THE INDEPENDENT COMMISSION AGAINST CORRUPTION ACT, I SUPPRESS PUBLICATION OR COMMUNICATION OF THAT EVIDENCE INsofar AS THE WITNESS REFERRED TO

THE WITNESS: Sorry, Commissioner.

20 THE COMMISSIONER: Yes. Were you ready to proceed?

MR NEIL: Yes, we are. There are some text messages on the screen, and you can remember, passing between you and your husband during 16 September, 2016?---Ah hmm.

You've looked at those text messages recently, have you not, before your cross-examination?---Yep. You showed me.

30 And having looked at them, do you have any actual memory now of any of those messages or the context in which they were sent or received?---No. We texted all the time.

I don't wish to ask anything more about these documents although in due course we will ask Counsel Assisting to tender them. I wonder if we could now have a look at the handwritten letter, please. And I wonder if we could look at every page please. Just look at this document as it appears on the screen, please, all three pages of it. Next page, please, and next page. Do you recognise the document that you see before you?---Yeah. It was a letter Sam Dastyari sent me.

40

How did he send it to you?---On WhatsApp.

And was it sent to you at the beginning of August 2019?---I'm not sure but that sounds about right.

If it please, that's the re-examination on our part.

MR ROBERTSON: I tender the document that just appeared on the screen, which appears to be a handwritten note or letter from Mr Dastyari to Ms Murnain.

THE COMMISSIONER: Yes. The handwritten note from Mr Dastyari to Ms Murnain will become Exhibit 215.

10 **#EXH-215 – HAND WRITTEN LETTER FROM SAM DASTYARI
TO KAILA MURNAIN**

MR ROBERTSON: And I won't immediately tender the text messages because they will form part of a larger bundle, but I will probably tender all or part of that bundle on Monday.

THE COMMISSIONER: Very good.

20 MR ROBERTSON: There's no further questions by way of clarification on my part.

THE COMMISSIONER: Yes, thank you. Yes. Mr Neil.

MR NEIL: That is our questioning.

THE COMMISSIONER: That's it. Thank you.

30 MR NEIL: That is it and we understand that Ms Murnain – I'm sorry, would you, Chief Commissioner, just excuse me for one moment, if I may speak to Counsel Assisting for a second,

MR ROBERTSON: Pardon me. I think that completes the questioning, Chief Commissioner, although I should say in my submissions she will not be formally released from her summons. I hope to not have to require to recall her but one doesn't know the extent of the evidence that might be led in the remainder of the public inquiry and whether it calls for further evidence.

40 THE COMMISSIONER: Yes. Very good. Ms Murnain, you heard that. In the nature of these public inquiries, it's sometimes required to have witnesses return. We seek to avoid that unless it's absolutely necessary. So accordingly, you're free to go today but just bear in mind the summons of which brings you were today still otherwise continues to operate. Thank you.---Thank you Commissioner.

THE WITNESS WITHDREW

[2.44pm]

MR NEIL: I wonder if, Chief Commissioner, you would be good enough to confirm, so that I raise with you now, that Ms Murnain having been excused for the time being, we are now free to speak with her?

THE COMMISSIONER: Yes.

MR NEIL: Thank you.

10 THE COMMISSIONER: Yes. I confirm that Ms Murnain is free to speak to her legal advisers about the subject matter of this public inquiry.

MR ROBERTSON: Can I just indicate one other thing in terms of timing. On Monday of next week I will call Mr Robertson but I observe that, as I understand it, the Commission will need to adjourn by 3.00pm

THE COMMISSIONER: That' correct,

20 MR ROBERTSON: So in the event that his cross-examination by anyone would, leave to cross-examination hasn't completed, there will need to be a further time for that which won't be able to be Tuesday of next week because of other arrangements in terms of witnesses and interpreters and the like. But as soon as I am in a position to know, firstly, whether that's going to be required and, secondly, when that can occur, I'll let relevant people know.

THE COMMISSIONER: Very good. Thank you. Is there anything else?

30 MR ROBERTSON: Not for my part, Chief Commissioner.

THE COMMISSIONER: Very good. Very well. Then I'll adjourn the public inquiry until Monday at 10.00am.

**AT 2.46PM THE MATTER WAS ADJOURNED ACCORDINGLY
[2.46pm]**